

REMARKS

Status of the claims:

With the above amendments, claims 1, 20 and 28 have been amended and claims 25-38 are withdrawn from a prior restriction requirement. Thus, claims 1-38 are pending with claims 1-24 and 39 ready for further action on the merits. No new matter has been added by way of the above amendments. Applicants have merely canceled members from a Markush group and made minor changes in grammar to the amended claims. Reconsideration is respectfully requested in light of the following remarks.

Examiner Interview

Applicants would like to thank the Examiner for taking the time to conduct a telephonic Examiner Interview held amongst Sam Rollins, Ph.D., T. Benjamin Schroeder, Ph.D., and Laura Stockton, Ph.D. on March 8, 2005 regarding the above-identified application. All claims were discussed. In particular, rejoinder of the method of use claims 25-38 was discussed as below.

Rejoinder

The Examiner has acknowledged that the compound/composition claims with a genus wherein R₂ is an N-linked amino or amido functionality is an allowable genus. Applicants have amended the claims to recite what the Examiner asserts is the allowable genus. However, Applicants respectfully request rejoinder of the method of use claims 25-38 in compliance with the holding in *In re Ochiai*, 71 F.3d 1565, 37 USPQ 1127 (Fed.

Cir. 1995) and *In re Brouwer*, 77 F.3d 422, 37 USPQ2d 1663 (Fed. Cir. 1996), which holds that if the compounds are new and non-obvious, any method of using those compounds must also necessarily be new and non-obvious (see MPEP §2116.01).

Claim Objections

Claims 1-24 and 39 have been objected to for reciting non-elected subject matter. Applicants have amended claim 1 so that it no longer recites non-elected subject matter. Thus, the objection is moot. Withdrawal of the objection is warranted and respectfully requested.

Conclusion

With the above amendments and remarks, Applicants believe that all objections and/or rejections have been obviated. Thus, each of the claims remaining in the application is in condition for immediate allowance. A passage of the instant invention to allowance is earnestly solicited.

Applicants believe that no fee is necessary, however, should a fee be deemed to be necessary, the Commissioner is hereby authorized to charge any fees required by this action or any future action to Deposit Account No. 16-1435.

Should the Examiner have any questions relating to the instant application, the Examiner is invited to telephone the undersigned at (336) 607-7486 to discuss any issues.

Respectfully submitted,

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